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**MATERIALS
ON
ALTERNATIVE APPROACHES TO LEGAL SCHOLARSHIP**

1989-90

VOLUME II

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H. Sidgwick, The Methods of Ethics, Book III, Ch. XIII, s.3; Book IV, Ch. 1,2,3.

I. Kant, Fundamental Principles of the Metaphysic of Morals (selected excerpts)

J. Rawls, A Theory of Justice (1971) (selected excerpts)

R. Nozick, Anarchy, State and Utopia (1973) (selected excerpts)

Aristotle, Nichomachean Ethics, Book 1

M. Sandel, "The Political Theory of the Procedural Republic", in Hutchinson and Monaghan (eds), The Rule of Law: Ideal or Ideology? (1987)

WEEK 3 PHILOSOPHY OF LAW

E. Weinrib, "Legal Formalism", Yale L.J. (1988)

WEEK 4 CRITICAL LEGAL STUDIES

Note, " 'Round and 'Round the Bramble Bush: From Legal Realism to Critical Legal Scholarship", (1982) 95 Harvard L. Rev. 1669.

Jerry Frug, "Argument as Character", (1988) 40 Stan. L. Rev. 869.

WEEK 5 POLITICAL STRATEGY IN THE POSTMODERN ERA: DEMOCRACY AFTER THE DEATH OF THE SUBJECT

Andrew Ross, "Introduction", in Andrew Ross ed., Universal Abandon? The Politics of Postmodernism, Minnesota: University of Minneapolis Press, 1988, pp. vii - xviii.

Chantal Mouffe, "Radical Democracy: Modern or Postmodern?", in Andrew Ross ed., Universal Abandon? The Politics of Postmodernism, Minnesota: University of Minneapolis Press, 1988, pp. 31 - 45.

Iris Marion Young, "The Ideal of Community and the Politics of Difference", (1986) Social Theory & Practice Vol. 12, No. 1, (Spring 1986).

Nancy Fraser and Linda Nicholson, "Social Criticism without Philosophy: An Encounter Between Feminism & Postmodernism," in Andrew Ross ed., Universal Abandon? The Politics of Postmodernism, Minnesota: University of Minneapolis Press, 1988, pp. 83 - 104.

Nancy Hartsock, "Rethinking Modernism: Minority v. Majority Theories", (1987) 7 Cultural Critique.

WEEK 6 FEMINIST ANALYSIS OF LAW

Catharine A. MacKinnon, "Feminism, Marxism, Method, and the State: An Agenda for Theory", (1982) 7 Signs 515.

Catharine A. MacKinnon, "Feminism, Marxism, Method and the State: Toward Feminist Jurisprudence", (1983) Signs 635.

Susan Moller Okin, Women in Western Political Thought, Princeton, N.J.: Princeton University Press, 1979, Chapter 11.

Fran Olsen, "The Politics of Family Law", (1984) 2 Law & Inequality.

Carol Gilligan, In a Different Voice: Psychological Theory and Women's Development, Cambridge, Mass.: Harvard University Press, 1982, Chapter 2, "Images of Relationship".

Carrie Menkel-Meadow, from Dubois, Dunlop, Gilligan, MacKinnon, and Menkel-Meadow, "Feminist Discourse, Moral Values, and the Law: A Conversation", (1985) 34 Buffalo Law Review 11 (excerpts).

WEEK 7 INTERPRETATION, SCEPTICISM AND THE LAW

Sanford Levinson, "Law as Literature", (1982) 60 Texas L Rev. 373

Ronald Dworkin, "Law as Interpretation", (1982) 60 Texas L. Rev. 527.

WEEK 8 LAW AND SOCIETY I

J. Hagan, "Gender and the Structural Transformation of the Legal Profession in the United States and Canada" (Draft)

J. Hagan, "The New Legal Scholarship: Problems and Prospects" 1 Can. J. of Law and Society 35 (1986)

D. Black, "The Boundaries of Legal Sociology" from Reasons and Rid (eds.) The Sociology of Law - A Conflict Perspective (1978)

WEEK 9 LAW AND SOCIETY II

Williams and Hawkins, "Perceptual Research on General Deterrence: A Critical Review", (1986) 20 Law & Society Rev. 545

Lawrence W. Sherman & Richard A. Berk, "The Specific Deterrent Effects of Arrest for Domestic Assault", (1984) 49 American Sociological Review (April: 262 - 272).

WEEK 10 LAW AND ECONOMICS I

R. Posner, Economic Analysis of Law, (1986), Ch. 1 and 2.

G. Calabresi, The New Economic Analysis of Law: Scholarship, Sophistry, or Self-Indulgence?, (1981).

WEEK 11 LAW AND ECONOMICS II

to be handed out

WEEK 12 LEGAL HISTORY

David Sugarman, "Theory and Practice in Law and History: A Prologue to the Study of the Relationship between Law and Economy from a Socio-Historical Perspective", in Bob Fryer, Alan Hunt, Doreen McBarnet, & Bert Moorhouse eds., Law, State, & Society, London: Croom Helm Ltd., 1981, pp. 70-106.

WEEK 13 ARTHURS REPORT AND CRITIQUES

Law and Learning: Report of the Consultative Group on Research and Education in Law (1983) (the Arthurs Report) (excerpts)

J.H. Schlegel, "Langdell's Legacy, or The Case of the Empty Envelope", (1984) 36 Stanford L.R. 1517

D. Soberman, Review of Arthurs Report, (1984) 10 Queen's L.J. 236

D.A. Farber, "The Case Against Brilliance", (1986) Minn. L.R. 917

P. Schlag, "The Brilliant, the Curious, and the Wrong" (1987) 39 Stanford Law Review 917

